

Examiner-Initiated Interview Summary	Application No. 10/808,770	Applicant(s) NEAULT ET AL.	
	Examiner Darren W. Ark	Art Unit 3643	

All Participants:

(1) Darren W. Ark.

(2) Donald J. Ersler.

Status of Application: After Final Rejection

(3) _____.

(4) _____.

Date of Interview: 2 December 2004

Time: 5:00pm EST

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Rejections of the Final Office Action mailed 11/19/04

Claims discussed:

1, 2, 4, 5, 8, 21-34

Prior art documents discussed:

Prior art of record

Part II.

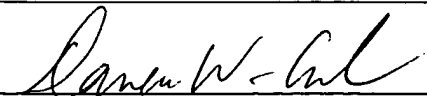
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

DARREN W. ARK
PRIMARY EXAMINER


(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner indicated to applicant that if the desired invention shown in Figs. 1a and 3a of elected Species II were more specifically claimed with respect to the scent tube with at least one scent opening extending from the poison T-joint, it would be possible to define the desired invention over the prior art of record. Examiner suggested amending claim 1 by incorporating the limitations of claim 5 and substituting the language of the "cap tube" in claim 5 for the "scent tube" with "at least one scent opening formed therethrough". The Examiner suggested similar amendments for independent claims 23 and 29. Examiner suggested canceling Claims 4 (specific to Species I), 5 (incorporated into claim 1), 8 (specific to Species III), 25 (specific to Species I), 26 (incorporated into claim 23), 27 (specific to Species III), 32 (specific to Species I), 33 (incorporated into claim 29), and 34 (specific to Species III). These claims are canceled for the being drawn to a non-elected Species, being incorporated into their respective independent claims, or for being redundant after the independent claims are amended as discussed. Applicant agreed to the proposed changes. Please see the Examiner's Amendment for details.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald J. Ersler on Thursday, December 02, 2004.

The application has been amended as follows:

Canceled claims 4, 5, 8, 25-27, and 32-34.

Claim 1. A method of dispensing poison to kill unwanted pests, comprising the steps of:

providing a poison dispenser having a poison retention area and at least one tubular passage leading to said poison retention area, said poison retention area comprising a poison T-joint and said at least one tubular passage comprising a first entrance T-joint and a second entrance T-joint;

inserting a first tube into one end of said poison T-joint and into said first entrance T-joint;

inserting a second tube into an opposing end of said poison T-joint and into said second entrance T-joint;

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inserting ~~extending~~ a scent tube into a remaining end of said poison T-joint such that it extends from said dispenser, said scent tube having at least one scent opening formed therethrough;

filling said poison retention area with a quantity of poison; ~~and~~

covering said scent tube with a fill cap; and

securing said poison dispenser to a surface.

Claim 23. A method of dispensing poison to kill unwanted pests, comprising the steps of:

providing a poison dispenser having a poison retention area and at least one tubular passage leading to said poison retention area, said poison retention area comprising a poison T-joint and said at least one tubular passage comprising a first entrance T-joint and a second entrance T-joint;

inserting a first tube into one end of said poison T-joint and said first entrance T-joint;

inserting a second tube into an opposing end of said poison T-joint and said second entrance T-joint;

inserting a scent tube into a remaining end of said poison T-joint such that it extends from said dispenser, said scent tube having at least one scent opening formed therethrough;

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~~extending a scent tube from said dispenser, said scent tube having at least one scent opening formed therethrough,~~ applying a scent adjacent said at least one scent opening that attracts the unwanted pests;

filling said poison retention area with a quantity of poison; ~~and~~

covering said scent tube with a fill cap; and

securing said poison dispenser to a surface.

Claim 29. A method of dispensing poison to kill unwanted pests, comprising the steps of:

providing a poison dispenser having a poison retention area and at least one tubular passage leading to said poison retention area, said poison retention area comprising a poison T-joint and said at least one tubular passage comprising a first entrance T-joint and a second entrance T-joint;

inserting a first tube into one end of said poison T-joint and said first entrance T-joint;

inserting a second tube into an opposing end of said poison T-joint and said second entrance T-joint;

inserting ~~extending~~ a scent tube into a remaining end of said poison T-joint such that it extends from said dispenser, said scent tube having at least one scent opening formed therethrough;

filling said poison retention area with a quantity of poison; ~~and~~

covering said scent tube with a fill cap; and

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securing said poison dispenser to ~~the~~ a surface with two retention devices, each one of said two retention devices being disposed at an obtuse angle relative to a bottom of said at least one tubular passage.

2. The following is an examiner's statement of reasons for allowance:

In regard to claims 1 and 23, the prior art of record does not disclose a method of dispensing poison to kill unwanted pests, comprising the steps of inserting a scent tube into a remaining end of the poison T-joint such that it extends from the dispenser, the scent tube having at least one scent opening formed therethrough and covering the scent tube with a fill cap.

In regard to claim 29, the prior art of record does not disclose a method of dispensing poison to kill unwanted pests, comprising the steps of inserting a scent tube into a remaining end of the poison T-joint such that it extends from the dispenser, the scent tube having at least one scent opening formed therethrough, covering the scent tube with a fill cap, and securing the poison dispenser to a surface with two retention devices, each one of the two retention devices being disposed at an obtuse angle relative to a bottom of the at least one tubular passage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA